

## REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed September 28, 2004. Reconsideration and allowance of the application and pending claims are respectfully requested.

### **I. Claim Rejections - 35 U.S.C. § 103(a)**

Claims 1-21 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ayyadurai (U.S. Pat. No. 6,718,368) in view of Mowbray (EP Pat. No. 1024447). Applicant respectfully traverses this rejection.

As has been acknowledged by the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office ("USPTO") has the burden under section 103 to establish a *prima facie* case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. *See In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). The Manual of Patent Examining Procedure (MPEP) section 2143 discusses the requirements of a *prima facie* case for obviousness. That section provides as follows:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teaching. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and reasonable expectation of success must be found in

the prior art, and not based on applicant's disclosure.

In the present case, the prior art references do not teach or suggest all of the limitations of Applicant's claims. Applicant discusses the references and Applicant's claims in the following.

**A. Claims 1-7**

Applicant's independent claim 1 provides as following (emphasis added):

1. An e-mail sorting and routing system for e-mail messages generated through a web-site operated by a host organization, the system comprising:

at least one web server for providing a web-site at which clients generate e-mail messages to the host organization; and

at least one response server *for sorting said e-mail messages*, wherein said *e-mail messages are sorted first by language and then by topic*.

The Office Action states that Ayyadurai discloses "sorting the e-mail message on the basis of well defined codes stored in the message" and that it therefore would have been obvious to one skilled in the art to view that sorting "to include sorting and classifying by language and sorting and classifying by topic." Applicant disagrees. Specifically, Applicant first disagrees that Ayyadurai discloses sorting e-mail messages, and second disagrees that any such "sorting" can be viewed as sorting by language and topic.

Ayyadurai discloses an automated system for composing reply messages to electronic, text-based messages. Ayyadurai, column 5, lines 22-24. In operation, the system receives an email message into a filter and modeler that performs language

analysis and characterization of the content of the message. Ayyadurai, column 5, lines 55-63. The message is tagged through the analysis and characterization process, and the tagged message is received by an automatic reply composer that retrieves partial replies or phrases for each issue and request presented in the message to facilitate automatic composition of a reply message. Ayyadurai, column 6, lines 15-24.

In view of the above, Ayyadurai does not "sort" any email messages, whether according to the message's content or according to other factors. Accordingly, it can be appreciated that, contrary to that alleged in the Office Action, Ayyadurai does not teach or suggest a response server "for sorting said e-mail messages", as is required by independent claim 1.

Ayyadurai further does not teach or suggest that the e-mail messages are "sorted first by language and then by topic". First, as is noted above, Ayyadurai does not sort e-mail messages. Second, Ayyadurai does not sort e-mail messages by language. Third, Ayyadurai does not sort e-mail messages by topic. Finally, Ayyadurai does not sort e-mail messages by language, *and then* by topic (i.e., in that order).

Given the aforementioned deficiencies of the Ayyadurai reference, and further given that Mowbray does not provide a teaching or suggestion that remedies those deficiencies, the Ayyadurai/Mowbray combination does not render Applicant's claims obvious. Applicant therefore respectfully requests that the rejection be withdrawn.

**B. Claims 8-13**

Applicant's independent claim 8 provides as following (emphasis added):

8. A method of sorting and routing e-mail messages generated through a web-site operated by a host organization at which clients generate e-mail messages to the host organization, the method comprising:

*sorting said e-mail messages by language; and  
subsequently sorting said e-mail messages by topic.*

Regarding claim 8, neither Ayyadurai nor Mowbray teach or suggest "sorting said e-mail messages by language" or "subsequently sorting said e-mail messages by topic". As is noted above, contrary to that noted in the Office Action, Ayyadurai does not teach or suggest sorting e-mail messages. Ayyadurai further does not teach or suggest that such sorting is by language or by topic. Furthermore, Ayyadurai does not teach or suggest that the sorting by topic is performed subsequent to the sorting by language.

In view of the above, Applicant submits that the Ayyadurai/Mowbray combination does not render Applicant's claims obvious. Applicant therefore respectfully requests that the rejection be withdrawn.

**C. Claims 14-17**

Applicant's independent claim 14 provides as following (emphasis added):

14. An e-mail sorting and routing system for e-mail messages generated through a web-site operated by a host organization, the system comprising:

*means for sorting said e-mail messages by language; and*

*means for subsequently sorting said e-mail messages by topic.*

Regarding claim 14, neither Ayyadurai nor Mowbray teach or suggest "means for sorting said e-mail messages by language" or "means for subsequently sorting said e-mail messages by topic". Applicant refers to the discussions of the Ayyadurai and Mowbray disclosures provided in the foregoing.

In view of the above, Applicant submits that the Ayyadurai/Mowbray combination does not render Applicant's claims obvious. Applicant therefore respectfully requests that the rejection be withdrawn.

#### **D. Claims 18-21**

Applicant's independent claim 18 provides as following (emphasis added):

18. Computer-readable instructions recorded in a medium for storing computer-readable instructions, said instructions causing a computer system to sort and route e-mail messages generated through a web-site or web-sites operated by a host organization at which clients generate e-mail messages to the host organization, the instructions causing said computer system to:

*sort said e-mail messages by language; and*

*subsequently, sort said e-mail messages by topic.*

Regarding claim 18, neither Ayyadurai nor Mowbray teach or suggest instructions causing a computer system to "sort said e-mail messages by language" or

"subsequently sort said e-mail messages by topic". Applicant refers to the discussions of the Ayyadurai and Mowbray disclosures provided in the foregoing.

In view of the above, Applicant submits that the Ayyadurai/Mowbray combination does not render Applicant's claims obvious. Applicant therefore respectfully requests that the rejection be withdrawn.

#### **E. Conclusion**

In summary, it is Applicant's position that a *prima facie* for obviousness has not been made against Applicant's claims. Therefore, it is respectfully submitted that each of these claims is patentable over Ayyadurai and Mowbray, and that the rejection of these claims should be withdrawn.

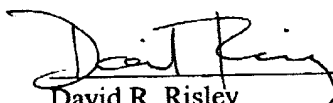
#### **II. New Claims**

As identified above, claims 22-25 have been added into the application through this Response. Applicant respectfully submits that these new claims describe an invention novel and unobvious in view of the prior art of record and, therefore, respectfully requests that these claims be held to be allowable.

### CONCLUSION

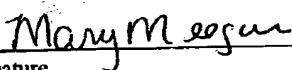
Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

  
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Alexandria, Virginia 22313-1450, on

11-9-04

  
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